

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 25-30 have been rejected under 35 U.S.C. §102(e) as being anticipated by Pitman (US 2002/0143530).

Claims 25-30 have been canceled without prejudice or disclaimer to the subject matter contained therein.

Claims 6-13, 21-23 and 31-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Pitman (US 2002/0143530) in view of Ellis (US 5,504,518).

Claims 6, 8 and 11 have been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejection. Further, claims 21-23 have been canceled without prejudice or disclaimer to the subject matter contained therein.

The above-mentioned rejection is submitted to be inapplicable to the claims for the following reasons.

Claim 6 is patentable over the combination of Pitman and Ellis, since claim 6 recites a feature quantity extracting apparatus including, in part, a feature quantity calculating section for calculating respective prescribed feature quantities of band spectra, the feature quantity calculating section obtaining the calculated prescribed feature quantities as feature quantities of an audio signal, wherein the feature quantity calculating section calculates peak values at respective peaks of the band spectra, and obtains, as the prescribed feature quantities, values of difference between peak values of frequency bands, each of the peak values being of a greatest spectrum strength among local maximums of each of the band spectra. The combination of Pitman and Ellis fails to disclose or suggest the feature quantity calculating section as recited in claim 6.

Pitman discloses a system for identifying audio content based on a number of events each of which is associated with a semitone frequency band in which it occurred and a time group within which it occurred. (See pages 3 and 4, paragraphs [0030] – [0039] and Figure 4A). However, as admitted in the rejection, Pitman fails to disclose or suggest the feature quantity calculating section of claim 6. Therefore, Ellis is relied upon as disclosing this feature of claim 6.

Regarding Ellis, it discloses a segment recognition subsystem 26 that is capable of detecting a number matches on a given key signature for consecutive frames and that the number of matches is referred to as a “peak width”. Based on the description, it is apparent that when two different signals are compared, a point at which the two signals match is referred to as a peak and the number of consecutively detected matches is referred to as the peak width. (See column 19, lines 23-31; column 31, lines 22-26; and column 45, lines 25-31).

On the other hand, claim 6 recites that the feature quantity calculating section calculates peak values at respective peaks of the band spectra, and obtains, as the prescribed feature quantities, values of difference between peak values of frequency bands, each of the peak values being of a greatest spectrum strength among local maximums of each of the band spectra. The peak width of Ellis is completely different from the peak values recited in claim 6.

It is apparent that an object of Ellis is to detect matches of two different signals. When detecting the matches, the peak width is calculated. Further, the peak width is described in Ellis as the number of such consecutively detected matches. More specifically, the two different signals are compared to detect matches, each match is referred to as a peak, and the number of consecutively detected matches is referred to as the peak width. Therefore, in Ellis, the peak and the peak width are determined on the basis of the two signals and the peak width is also determined depending on the relative relationship between the two different signals.

In contrast, the peak value recited in claim 6 corresponds to a value, among local maximums of a band spectrum, whose spectrum strength is greatest, and the peak value is determined depending on a waveform of one audio signal. Therefore, the peak value of claim 6 is totally different from the peak width in Ellis, since the peak value in claim 6 is determined depending on a waveform of one signal, while the peak width in Ellis is determined depending on a relative relationship of two signals. Ellis does not disclose or suggest the calculation of peak values that correspond to values, among local maximums of band spectra, whose spectrum strength are greatest. As a result, claim 6 is patentable over the combination of Pitman and Ellis.

As for claims 8 and 11, they are patentable over the combination of Pitman and Ellis for reasons similar to those set forth above in support of claim 6.

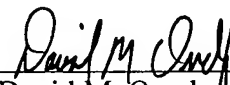
Because of the above-mentioned distinctions, it is believed clear that claims 6-13 and 31-42 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention

would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 6-13 and 31-42. Therefore, it is submitted that claims 6-13 and 31-42 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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